



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

Andrew Lucas
Assistant Corporation Counsel
Tel.: (212) 356-2373
Fax: (212) 356-3509
alucas@law.nyc.gov

October 15, 2015

By ECF

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Richardson v. City of New York, et al., 15 cv 5775 (PKC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. Defendants City of New York, Bloomberg, Kelly, McNamara, Anger and Purtell respectfully request a sixty-day enlargement of time, from October 15, 2015, until December, 14, 2014, to answer or otherwise respond to the complaint. Plaintiff consents to this request. No previous request for an enlargement of time to answer have been made.

The complaint alleges, *inter alia*, that the plaintiff was falsely arrested during his participation in an Occupy Wall Street protest on September 17, 2012. An enlargement of time will give this office the opportunity to more fully investigate the allegations made in the complaint in accordance with the obligations under Rule 11 of the Federal Rules of Civil Procedure. Plaintiff has set forth a forty-three page complaint claiming a cause of action against thirty four defendants. Accordingly, it is necessary for our office to acquire as much information as possible concerning this matter to assess the case and respond to the complaint.

From review of the docket sheet, it appears that a number of defendants have been served with the initial complaint, but a sizeable number of defendants were added to the First Amended Complaint. At present it is unclear from the docket whether the newly added parties

were served, however, prior to determining how the defendants were served and making a representation determination those parties are presently unrepresented. Accordingly, this request for an enlargement of time is not made on their behalf. However, given the time involved in determining the representation of a member of the New York City Police Department, the number of defendants, and in the interest of judicial economy, if these defendants have been properly served, we would hope that the Court will consider, *sua sponte*, extending their time to answer or otherwise respond, in order to ensure that their defenses are not jeopardized while representation issues are being decided. The enlargement of time will permit this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent these officials if they have been properly served. See Mercurio v. City of New York, 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

For the reasons stated herein, the defendants respectfully request that their time to respond to the complaint be extended until December 14, 2015, and that the Court, *sua sponte*, extend the remaining defendants' respective times to answer or otherwise respond to the complaint to that date as well.

Defendants thanks the Court for its time and consideration of this request.

Respectfully submitted,

/s/

Andrew Lucas
Assistant Corporation Counsel
Special Federal Litigation Division

cc: By ECF
Dave Thompson
Stecklow and Thompson
217 Centre Street, 6th Floor
New York, NY 10013